



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No.

**MAILED**

**JUN 24 2010**

**OFFICE OF PETITIONS**

MERCK  
P O BOX 2000  
RAHWAY NJ 07065-0907

In re Patent No. 7,592,337	:	DECISION ON REQUEST
Chen et al.	:	FOR
Issue Date: September 22, 2009	:	RECONSIDERATION OF
Application No. 10/506,479	:	PATENT TERM ADJUSTMENT
Filed: September 1, 2004	:	and
Atty Docket No. DI-ARYL	:	NOTICE OF INTENT TO ISSUE
SUBSTITUTED TETRAZOLE MODULATORS	:	CERTIFICATE OF CORRECTION
OF METABOTROPIC GLUTAMATE	:	
RECEPTOR-5	:	

This is a decision on the petition filed on November 20, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand, four hundred and eight (1408) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand, four hundred and six (1406) days is **GRANTED to the extent indicated herein.**

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Petitioner's assertion that the commencement date is September 7, 2004 is inaccurate.<sup>1</sup> This international application has a priority date of March 12, 2002 and the thirty-month anniversary of this date is September 12, 2004, which fell on Sunday. As such, the commencement date is the next business day: September

<sup>1</sup> Petition, page 3.

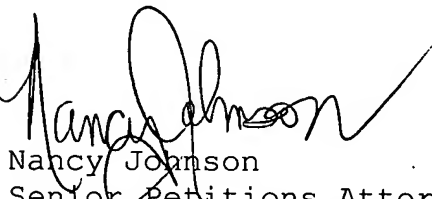
13, 2004. It is noted that early national stage examination was not requested. See the transmittal letter that was included on filing, box 3.

As such, the previously-accorded patent term adjustment of 786 days will be increased by 620 days. The 620 days constitutes the period of "B delay" (740 days: September 14, 2007 to September 22, 2009) reduced by 120 days of overlap (the days beginning on September 14, 2007 to January 9, 2008 and June 12, 2008 to June 13, 2008 overlap with the B delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand, four hundred and six (1406) days**.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,592,337 B2

DATED : September 22, 2009

DRAFT

INVENTOR(S): Chen et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 786 days

Delete the phrase "by 786 days" and insert – by 1406 days--